

**DRAFT OF
OPIOID DISTRIBUTORS/JANSSEN ONLINE EXPENSE APPLICATION**

FINAL APPLICATIONS WILL BE POSTED IN CROSSLINK
ALL INFORMATION CONTAINED HEREIN IS SUBJECT TO CHANGE

Welcome to the Application for Compensation of Expenses from the Settling Distributors and Janssen Litigating Subdivision Cost Fund. Please review the materials below before submitting your Application.

- Click here to view the *Order Establishing Application Protocols for Compensation of Costs and Expenses Under the Janssen and Distributors Settlement Agreements*
- Click here to view Exhibit R to the global Distributors Settlement Agreement
- Click here to view the Expense Billing Guide, which contains instructions for completing the Expense Report

Please follow the steps below to complete your application and to:

- Submit your Expense Report;
- Submit additional expense information, as applicable; and
- Upload a completed IRS Form W-9.

Provide contact information for the person completing this application:

First Name
Last Name
Title
Email
Phone

MDL Participating Counsel

The process to obtain compensation for expenses your firm ***already*** submitted to the PEC is different from the process to obtain compensation for ***additional*** expenses you may want to submit.

The attached expense spreadsheet includes all expenses already submitted by your firm to the PEC pursuant to the *Fee and Expense Order* (Doc. 358). To submit these expenses for compensation from the Litigating Subdivision Cost Fund, you must do the following:

- Download the attached expense spreadsheet; <download button here (this spreadsheet is specific to the firm)>
- Review the expenses contained within the expense spreadsheet to ensure eligibility for compensation from the Litigating Subdivision Cost Fund and for compliance with

the criteria and limitations established by the Cost and Expense Fund Administrator, as contained in the Expense Billing Guide;

- Withdraw, reduce, and/or amend those expense entries that are not eligible or not in compliance; and
- Upload your amended expenses on the same template on which they were provided.

Notice: All expenses appearing on the expense spreadsheet must be amended and uploaded on the same spreadsheet on which they were provided. Amended expenses submitted on any other template will be rejected.

MDL Participating Counsel who wish to submit *additional* expenses not appearing on their expense spreadsheet must do so on the Distributors Janssen Expense Report, located here <hyperlinked to download Expense Report>

<upload amended MDL expenses here>

<upload non-MDL expenses here>

Non-MDL Participating Counsel and Subdivisions

Expenses submitted for compensation from the Litigating Subdivision Cost Fund must be entered on the Expense Report located here <hyperlinked to download Expense Report>.

Using the instructions provided in the Expense Billing Guide, enter your expenses on the Expense Report and upload here when completed. <upload Expense Report here>

The next question applies to Subdivision Applicants only.

Are you a Subdivision submitting costs for in-house employees? <select Yes or No>

<If Yes: text below appears>

Participating Litigating Subdivisions may be reimbursed for direct in-house costs related to their litigation against the Settling Distributors and Janssen, including the cost of in-house employees, *if their case was designated as a federal or state court bellwether*. All applications for reimbursement of in-house employees must be accompanied by sworn declaration(s) or affidavit(s) describing, disclosing, and/or attaching the following:

- A. If the Participating Litigating Subdivision maintained contemporaneous time records (including narratives describing the work performed, if available), then the Participating Litigating Subdivision must submit those records with their application in .cvs or .xls file format.

- B. If the Participating Litigating Subdivision did not maintain contemporaneous records, the Participating Litigating Subdivision may make a best-effort approximation of reasonable time incurred, including available documentation and explanation. This may include:
- a. Documented hours based on calendar records, corresponding outside counsel time records and narratives, and other documented and contemporaneous records that may exist.
 - b. For each employee for whom fees are sought, a sworn statement as to the approximate hours per week or month and the number of weeks or months that were spent on litigation of claims against the Settling Distributors, along with a detailed description of the work performed during the course of litigation.
 - c. Each Participating Litigating Subdivision shall provide an hourly rate based on a full time equivalent (FTE) process as described below:
 - i. For each employee for which reimbursement is sought, submit the total calculation for the annual compensation package for that employee; and
 - ii. For each employee for which reimbursement is sought, submit a final calculation of their FTE and amount sought.
 - iii. Such declaration(s) or affidavit(s) must describe the reasonableness of the reimbursement sought as well as the direct connection of the employee's work to litigation activity against Janssen or the Settling Distributors.

All sworn declaration(s) or affidavit(s) described above must be made by a duly authorized person from the Participating Litigating Subdivision (not outside counsel), and the declaration(s) or affidavit(s) must describe the basis for that person's authority.

Upload sworn declaration here <upload button>

Did you maintain contemporaneous time records? <select Yes or No>

If yes, upload contemporaneous time records here in .csv or .xls format. <upload button>

If no, upload documents supporting approximation of reasonable time incurred here. <upload button>

Are you submitting costs for contract attorneys? If yes,

Are you eligible to submit an application for an award of attorneys' fees from the Settling Distributors and Janssen Common Benefit Fund? <select Yes or No>

<If Yes: text below appears>

Notice: If any of the work performed by contract attorneys was for the common benefit of all Participating Litigating Subdivisions or Tribal Nations generally, then Applicants **must** seek compensation for that work from the Common Benefit Fund. Applicants may not seek compensation for contract attorneys from the Litigating Subdivision Cost Fund if the work performed by those contract attorneys was for the common benefit. Applicants may seek compensation for contract attorneys from the Litigating Subdivision Cost Fund only to the extent that work was not for the common benefit.

By applying for compensation for the cost of contract attorneys from the Cost Fund, you are affirming that: (1) the work performed by the contract attorneys was not for the common benefit; and (2) you have not applied for compensation for the same contract attorneys on the same dates of service from the Common Benefit Fund.

Download the contract attorney template here, and use it to provide the following information:
<button to download contract attorney template>

1. The names of all contract attorneys;
2. The name of the vendor from which you procured each contract attorney;
3. The date ranges of service for each contract attorney (i.e., March – June 2020);
4. The total amount of time billed by each contract attorney; and
5. The total actual cost paid for each contract attorney.

<button to upload completed contract attorney template>

Upload detailed time records for each contract attorney in .csv or .xls format

<button to upload detailed time records for each contract attorney>

Upload your firm/Subdivision IRS Form W-9 <button to upload W-9>

The Declaration must be executed via DocuSign. Provide the contact information for the person authorized to receive and execute the Declaration on behalf of your firm/Subdivision.

First Name
Last Name
Title
Email
Phone

- Click here to preview a read-only copy of the Subdivision Declaration.
- Click here to preview a read-only copy of the Law Firm Declaration.

Click Save and Complete to submit your Application and to initiate the DocuSign Declaration email. Once the Declaration is executed, your Application will be considered complete.

You will receive email notifications if the Auditor identifies deficiencies in your Application and/or Expense Report, or if additional information is required. It is imperative that you timely respond to these notifications, as failure to respond by the deadline provided may result in a denial of expense reimbursement.

Applicants will be notified of Initial Expense Awards via email. To ensure timely receipt of Crosslink emails and notifications, please add crosslinksupport@rubris.com to your list of Safe Senders.

<save application>

<submit application>